

## **REMARKS**

Claims 1-13 and claims 15-26 are in the present application, claim 14 having been cancelled and claims 15-26 having been added by this amendment. Reconsideration in view of the following remarks is kindly requested.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-6 are rejected under 35 U.S.C. § 102(a) as being anticipated by Honkasalo, U.S. Patent No. 5,995,496. This rejection is respectfully traversed, and is further inapplicable to new claims 15-26 as set forth below.

Applicants respectfully submit that Honkasalo fails to teach or suggest a method for determining a transmit power level at which to transmit a current block, comprising at least a step of determining a transmit power attenuation level for each current block of a subsequent group of blocks as a function of a minimum of a first attenuation factor and a second attenuation factor, in combination with the other features or structural correlation claimed in claim 1.

Honkasalo does not determine a transmit power attenuation level for each current block of a group of blocks as a function of two attenuation factors. Honkasalo performs what is done in the prior art, e.g., receiving a measurement that includes an average signal quality level, and re-calculating transmit power based on this average signal quality level received from the mobile station. The updated transmit power calculated in Honkasalo is for an entire packet and not on a block by block basis. Thus, Honkasalo does not account for wide changing transmit powers that occur during a specified interval, for example. Accordingly, Honkasalo does not individually determine transmit power attenuation level for each block as a function of a minimum of two attenuation factors.

### **Claim Rejections Under 35 U.S.C. § 103**

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Honkasalo, U.S. Patent No. 5,995,496. This rejection is respectfully traversed.

For the reason set forth above regarding independent claim 1, Applicants submit that claim 7 is allowable in that Honkasalo does not teach or suggest each of the features recited in independent claim 1. Withdrawal of the rejection is kindly requested.

Claim 7 recites that during transmission of a last block of the previous group of blocks, the mobile station is polled for a quality measurement by setting a poll bit in the last block. This is not taught nor suggested in Honkasalo, contrary to the Examiner's allegation.

In the Office Action on page 4, the Examiner alleges that Honkasalo teaches a polling of the mobile station during a particular transmission of a last block of a group of blocks, citing column 4, lines 58-63 of Honkasalo. Applicants have reviewed this passage and submit that this passage indicates that certain measuring results are to be delivered as feedback to a transmitting device and may be attached as acknowledgements transmitted on a PACCH Channel. This does not teach or suggest polling a mobile station during transmission of a last block of a previous group of blocks by setting a poll bit in the last block. Accordingly, for this additional reason, the Examiner is kindly requested to withdraw the rejection as pertaining to claim 7.

Claims 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Honkasalo in view of Laakso, U.S. Patent No. 6,456,605 and Andersson, U.S. Patent No. 6,334,047. This rejection is respectfully traversed, and is further inapplicable to new claims 15-26 as set forth below.

Initially, the rejection as to claim 14 is now moot. Applicants submit that claims 8-13 are allowable at least for the reasons as set forth above regarding corresponding independent claim 1. Further, various features of these claims make the distinctions over the combination of references even more apparent.

Claim 8 recites specific steps of calculating first and second attenuation factors and determining a transmit power attenuation level based on a minimum. This is not taught or suggested by the combination. Applicants submit that neither Laakso nor Andersson teaches or suggests either calculating step recited in dependent claim 8. Further, the Examiner has not pointed out explicitly, in either reference, where such would be taught or suggested. The passages relied on by the Examiner for teaching of taking the minimum of a radio link attenuation level or a uplink control flag level (see

Honkasalo column 8, lines 59-67 to column 9, lines 1-5), describe calculating a transmit power at a particular moment in time that corresponds to a moment of transmission of a next packet, not for an individual block. Moreover, Honkasalo indicates that this value  $S(t)$  of the new transmission power should be between some minimum and maximum value. This has nothing to do in regard to calculating a particular radio link attenuation level indicating the downlink attenuation level the mobile station can tolerate while achieving an acceptable bit error rate, nor of estimating an additional downlink attenuation that is to be applied such that an adequate uplink state flag performance can be achieved, as recited in claim 8. Accordingly, the Examiner has not set forth a prima facie case of obviousness, as the combination of references does not teach or suggest each of the features recited in claim 8. Withdrawal of the rejection as to claim 8 is requested for this additional reason.

Features in claims 9 through 11 are also not taught by Honkasalo. The Examiner relies on column 6, lines 50-65, but merely appears to have been searching the term “attenuation level”, as this passage has nothing to do with the features recited in these claims. In particular, column 6, lines 50-65 recite whereby if a base station wants a specified target transmission power, it transmits a specified target level parameter so that the mobile sets its own transmission power to correspond to the real attenuation of the link. This is one way of avoiding the need to transmit two separate parameters. The passage goes on to describe that after the terminal device “mobile” has received data frames it measures received signal power to find the values of certain parameters included in a frame. Again, this has nothing to do with setting an uplink control flag attenuation level to a max level if there are no active uplink temporary block flows. It is unclear why the Examiner even cited these passages in Honkasalo. For at least these additional reasons, claims 9 – 11 are submitted to be allowable.

### **NEW CLAIMS**

New claims 15-26 have been added in an effort to provide further protection for Applicants invention. Applicants submit that these claims are allowable at least for the reasons that none of the references cited by the Examiner teach each and every feature

recited in independent claims 15 and 20, as well as the features recited in the corresponding dependent claims.

### Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-13 and 15-26 in connection with the present application is earnestly solicited.

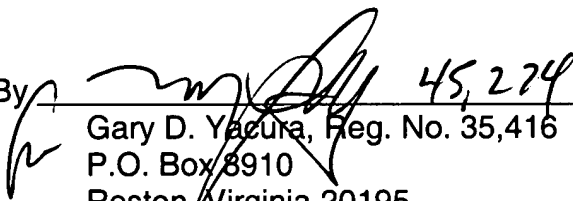
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig, Reg. No. 45,274 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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